Missoula County Public Schools

**NONINSTRUCTIONAL OPERATIONS**

**Naming Rights for School District Facilities**

The District recognizes the importance of naming opportunities for its buildings, outdoor and interior areas, spaces, features and objects. The purpose of this policy is to establish a uniform and equitable process for the official naming of the district’s facilities to ensure that these public amenities are easily identified and given names that are consistent with the district’s values. Naming actions shall not detract from the district’s dignity, integrity, or reputation, nor shall any such actions create a conflict of interest, or the appearance of a conflict of interest, or confer special privileges.

Community involvement is encouraged in the naming process. The Board shall approve the naming title, all design considerations such as colors, shapes, and sizes along with the location of any and all signage or fixtures to be displayed in and/or on schools facilities and/or equipment.

The district shall not grant a naming right without the informed consent of the named party or the named party’s legal representative.

The Board reserves the right, in all cases, to refuse to name a particular facility/piece of property.

There are two (2) circumstances in which naming rights may be granted; Naming Rights in Consideration and Naming Rights in Recognition. The following criteria may be considered when naming school facilities.

**Naming Rights in Consideration:**

“Naming Rights in Consideration” is in consideration of significant financial contributions, sponsorship or other commercial transactions.

Naming rights in consideration require a significant monetary contribution (51% or more) of the cost of developing a facility, or establishment of a maintenance endowment of 51% or more of the projected maintenance cost for 20 years, and such donation is made with the stipulation that the name is a condition of the monetary donation.

It is expected that a specific agreement about the nature of the naming right would be drawn up between the parties or their representatives. The provisions of this policy shall govern the agreement.

All such agreements are subject to the district’s requirements for contracts, as set forth in the School Code and related policies, including bidding requirements for district contracts. Nothing in this policy shall be construed as to provide a provider of goods, services or financial contribution as an automatic naming right.

All naming rights in consideration are subject to Board approval under the terms of this policy.

**Naming Rights in Recognition:**

“Naming Rights in Recognition” is in recognition of any significant contributions to the district that it wishes to honor. These contributions can be financial or other gifts from donors, or meritorious service.

District facilities shall not ordinarily be named in recognition of living persons.

In order for the granting of naming rights in recognition to be considered an individual must have been deceased for at least two years and also fulfill at least one (1) of the following five (5) criteria:

1. had a significant monetary contribution made “in memoriam” (51% or more) of the cost of developing a facility, or established a maintenance endowment “in memoriam” of 51% or more of the projected maintenance cost for 20 years, and such donation is made with the stipulation that the name is a condition of the monetary donation;
2. is a distinguished alumni with significant achievement(s);
3. performed extraordinary or outstanding public service for the good of the community in regards to public education;
4. was an outstanding community leader who made significant civic contributions to the district and/or school and gave highly productive support to the advancement of public education;
5. was an outstanding regional or statewide leader who contributed significantly to the promotion of public education

It shall be the responsibility and right of the Board to determine whether the person meets these criteria. The Board reserves the right to revoke the name should it discover information about the individual that would lead to the individual not meeting the requirements set forth herein.

The granting of naming rights in recognition is at the sole discretion of the Board, with the agreement of the party or their representatives.

**Granting Naming Rights:**

In granting naming rights, either in consideration or in recognition, due regard should be taken of the need to maintain an appropriate balance between commercial considerations and the role which names of buildings and space play in contributing to the district’s sense of identity as well as in assisting students, staff, and visitors to orient themselves within the campus/facility.

Any and all entitlements and attributions granted in conjunction with naming rights, including but not limited to signage, must be approved by the Board prior to installation in or on school district property.

The granting of naming rights must always be consistent with the District’s vision, mission, and shared purpose. The long-term effects of the naming rights must be considered. The department/school affected by the naming right to be granted must be consulted before any decision is made.

The District has the exclusive discretion to determine whether to pursue, accept or decline and opportunity to name facilities. The factors to be considered by the District include, but are not limited to:

1. The extent to which a naming opportunity limits or restrains the District’s discretion or ability to pursue other opportunities;
2. The duration of the arrangement or agreement and the District’s ability/discretion to terminate the arrangement/agreement;
3. The extent to which the naming opportunity imposes any obligation on the District, either presently or in the future, financial or otherwise and whether the opportunity is subject to conditions acceptable to the District;
4. The extent to which the naming opportunity constitutes a conflict of interest or creates the appearance of or potential for a conflict of interest; and
5. The extent to which the naming opportunity affects the appearance of District property or disrupts the operation of the District.

Facilities may be named after major contributors to the district. The Board will evaluate the financial value of naming rights based on a review of the market for naming rights. If named after a company, group and/or product must, as determined by the Board, have and maintain and exemplary record and positive public, and non-partisan image. The Board reserves the right to revoke the name should it discover information about the company, group and/or product that would lead to not meeting the requirements set forth herein.

# For facilities with outstanding bond issues, extra precautions should be followed in granting naming rights for consideration. The Board shall not grant a naming right in consideration that will convert the outstanding bond issue into a private activity bond per 26 USC §103 and 26 USC § 141.

# Transferability:

# Naming rights in consideration may be traded by mutual agreement between all parties. Traded is identified as “to exchange or swap one naming right for another.” For example, when a company changes its name, the naming right may be changed or “traded” to reflect the new name. Naming rights in recognition may not be traded. The district may, as it deems necessary, require the company to provide compensation for the costs of any such change. If the company refuses to or does not provide compensation for such costs, the district reserves the right to remove the name due to the fact that it no longer represents the company who received the naming rights.

# Limit of Naming Rights:

# On the part of the District –

# The District’s right to use the name and other brand elements of the named party shall only be permitted by express agreement with the named party.

# On the part of the Named Party –

# The named party after whom a building or facility is named shall have no rights to the purpose to which that building or facility is applied unless provided for in the specific contract between the parties. The district will not agree to any condition in a contract that could unnecessarily limit the following: progress towards the District’s mission and purpose, statutory obligations, or the local authority of the School District.

# In turn, the named party shall bear no liability in respect of that building or facility unless provided for in the specific contract between the parties.

# Any such limits must be included in any naming right agreement.

**Early Termination of Naming Rights:**

Termination by the District –

The District shall have the authority to revoke the naming of a facility for compelling reasons as determined by the Board at anytime. Any prepaid financial contributions will be proportionally refunded except in the case of termination prompted by a company or product’s tarnished image.

Termination by the Named Party –

The named party may without refund of consideration, at its sole discretion, terminate its acceptance of the naming rights prior to the scheduled termination date upon request to the Board.

**Renaming:**

A name selected for a facility should be bestowed with the intention that it will be permanent, and changes should be strongly resisted.

**Prohibited Commercial Activities:**

The above policy notwithstanding, no commercial activity as defined or allowed by this policy shall be associated with tobacco, alcohol, illegal drugs, or weapons; contain vulgar and plainly offensive, obscene, or sexually explicit language; advocate the violation of law or district policy, advance any religious or political organization; promote favor, or oppose a candidate for elected office or a ballot measure; be associated with any company or individual whose actions are inconsistent with the district’s mission and goals or community values; be libelous; inhibit the functioning of the school and/or District; or otherwise be in violation of law.

The Board authorizes the Superintendent or designee to establish procedures for receiving and submitting requests for naming rights in consideration and naming rights in recognition to the Board of Trustees for approval.

Legal References:

Cross References:

Policy History:

Adopted on:

Revised on: